

Application No: 10/820,955 Docket No.: Q207-US1

Page 6

REMARKS

Claims 1-8 and 11-26 were previously presented. Claims 9-10 were previously canceled. Accordingly, claims 1-8 and 11-26 are pending examination.

Rejection of Claim 1 Under 35 USC §103(a)

Independent Claim 1 stands rejected under 35 USC §103(a) as being unpatentable over U.S. Patent Publication No. 2004-0161662 (Kim).

Claim 1 recites that “a fastening device having a shaft passing through the gasket and the hole in the insulator member.” Claim 1 further recites “the fastening device applying a pressure in an axial direction of the hole in the cover to press the ... first electrode tab ... and the second electrode tab against each other.”

Kim teaches an electrode terminal 330 extending through a gasket 320 and a hole in an insulating plate 250. However, nothing in Kim teaches or suggest that the electrode terminal applies pressure that presses a first electrode tab and the second electrode tab against each other. As a result, Kim does not teach or suggest every element of claim 1 and claim 1 is patentable over Kim.

Rejection of Claim 11 Under 35 USC §103(a)

Independent Claim 11 stands rejected under 35 USC §103(a) as being unpatentable over U.S. Patent Publication No. 2004-0161662 (Kim).

Claim 11 recites “a case cover defining a hole” and “a fastening device having a shaft passing through the hole.” Claim 11 also recites “the fastening device applying a pressure in an axial direction of the hole to press ... electrode tabs against each other.”

Kim teaches an electrode terminal 330 extending through a gasket 320 and a hole in an insulating plate 250. However, nothing in Kim teaches or suggest that the electrode terminal applies a pressure that presses electrode tabs against each other. As a result, Kim does not teach or suggest every element of claim 11 and claim 11 is patentable over Kim.

Application No: 10/820,955 Docket No.: Q207-US1

Page 7

Rejection of Claims 17 and 22 Under 35 USC §103(a)

Independent Claims 17 and 22 stand rejected under 35 USC §103(a) as being unpatentable over U.S. Patent No. 6,579,640 (Nagase).

Independent Claims 17 and 22 each recite “one rivet mechanically coupling a first polarity electrode to a second polarity electrode.” Nagase teaches multiple positive electrodes coupled to a rivet. However, Nagase does not teach or suggest that the rivet couples electrodes of different polarities. For this reason alone, Nagase does not teach or suggest every element of claim 17 and 22. As a result, independent claims 17 and 22 are patentable over Nagase.

Additionally, the Office Action argues it would be obvious for the Nagase electrodes to have opposite polarities. However, using a rivet to connect the different polarity electrode tabs disclosed in Figure 2 of Nagase (801a and 803a) would short circuit the battery. As a result, it would not be obvious for the Nagase electrodes to have opposite polarities. For this reason alone, independent claims 17 and 22 are patentable over Nagase.

Claims 2-8 and 12-16, 18-21, and 23-26

Claims 2-8 and 12-16, 18-21, and 23-26 each depends directly or indirectly from Independent claim 1, 11, 17, or 22. Since independent claims 1, 11, 17, or 22 are each believed to be in condition for allowance, the dependent claims are also believed to be in condition for allowance.

Future Prosecution

The rejection of the pending claims are partially dependent on U.S. Patent Publication No. 2004-0161662 (Kim) being prior art. The Applicant does not concede that Kim is prior art and reserves the right to argue that Kim is not prior art.

Application No: 10/820,955

Docket No.: Q207-US1

Page 8

CONCLUSION

The Examiner is encouraged to telephone the undersigned with any questions.

Respectfully submitted,



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